

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WADE DERBY,

Plaintiff,

v.

CITY OF PITTSBURG CALIFORNIA,

Defendant.

Case No. [16-cv-05469-SI](#)

**ORDER SETTING NEW BRIEFING  
SCHEDULE AND HEARING ON  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT; MODIFYING  
PRETRIAL DATES REGARDING  
EXPERT DISCOVERY AND  
SETTLEMENT**

Re: Dkt. No. 64

Plaintiff has filed a motion requesting an extension of time to file the opposition to defendant's motion for summary judgment. Plaintiff's opposition is due May 4, 2018, and plaintiff requests a 90 day extension of the deadline because one of his lawyers is currently engaged in a criminal trial, and plaintiff's other lawyer is "not a federal court motion writing wizard." Horowitz Decl. ¶ 3. Defendant opposes the request for an extension on numerous grounds, including that an extension would impact the current schedule for expert discovery and settlement discussions.

The Court will grant plaintiff an extension of time, though the Court finds that plaintiff has not demonstrated good cause for a 90 day extension. The Court sets the following schedule on defendant's motion for summary judgment: plaintiff's opposition must be filed by **June 8, 2018**, and defendant's reply is due **June 22, 2018**. The Court will hold a hearing on defendant's motion on **July 6, 2018 at 10 a.m.**

In order to accommodate the new summary judgment schedule, the Court sets the following new schedule for expert discovery: designation of experts shall be done by **July 27**,

1 **2018**, and designation of rebuttal experts shall be done by **August 17, 2018**. In addition, the Court  
2 finds that it is in the interest of judicial efficiency to permit the parties to reschedule the June 19,  
3 2018 settlement conference to a date in August. The parties shall contact Magistrate Judge James'  
4 chambers to reschedule the settlement conference; if Judge James is unavailable in August, the  
5 parties shall promptly notify the Court in order to be referred to a different magistrate judge for  
6 settlement.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: May 3, 2018



---

SUSAN ILLSTON  
United States District Judge